THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.11841 of 2007

DATE: 08-06-2007

Between :

Ch.Ramanoji

... Petitioner

And

The District Collector,
Nalgonda District and 3 others.

... Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 11841 of 2007

ORDER:

The petitioner is the authorized dealer of fair price shop of Yepala Madharam village. This writ petition is filed questioning the order dated 01-05-2007 passed by the third respondent under which the authorisation of the petitioner was cancelled.

At the outset, the learned Government Pleader appearing for the respondents raised an objection as to the maintainability of the writ petition on the ground that an alternative remedy of appeal is available under the Andhra Pradesh State Public Distribution System Control Order, 2001 (for short 'the Control Order').

However, the learned counsel for the petitioner contended that since the impugned order was passed solely on the basis of the confiscation order passed by the Joint Collector, Nalgonda under Section 6-A of the Essential Commodities Act, 1955, the same is arbitrary and illegal and therefore, the petitioner can maintain the writ petition notwithstanding the availability of the alternative remedy.

I am unable to agree with the contention of the learned counsel for the petitioner since admittedly the petitioner was issued a show cause notice and the impugned order of cancellation was passed after considering the petitioner's explanation. Hence, the impugned order cannot be held to be violative of principles of natural justice much less the same was without jurisdiction. Therefore, the petitioner cannot invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India without exhausting the alternative remedy available under the statute.

Accordingly, granting leave and liberty to the petitioner to work out the remedy of appeal, the writ petition is disposed of. It is open to the petitioner to raise in the appeal all the grounds available under law including that the impugned order was passed without conducting independent enquiry under the provisions of the Control Order 2001. No costs.

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G. ROHINI, J.

Date:08-06-2007
KLP